

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Johnnie Mack King**

Docket No. **278161**

L.C. No. **06-008919**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The prosecutor's confession of error is accepted and defendant's conviction and sentence for larceny in a building are REVERSED. Defendant's conviction is reversed and his sentence is VACATED because the uncharged offense of larceny in a building is not a necessarily included lesser offense of the charged offense of breaking and entering a building. See *People v Cornell*, 466 Mich 335; 646 NW2d 127 (2002). The matter is REMANDED for entry of a judgment of acquittal of the charged offense.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**APR 30 2008**

Date

*Sandra Schultz Mengel*  
Chief Clerk